

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:14-CR-00111-FDW-DCK**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
JOSE IVAN HERNANDEZ,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT *sua sponte* for scheduling purposes.

Pursuant to Chief Judge Whitney's "Order" (Document No. 36), this matter is remanded to the undersigned "for a finding of whether the subsequent search of the cell phone pursuant to a valid warrant trumps the finding of involuntary consent and requires modification of the suppression order." The Court has carefully reviewed the pleadings filed by the parties in the wake of its original M&R suppressing certain evidence (Document Nos. 34, 37, 39, 41) and concludes that it will be aided in its resolution of this matter by a hearing. The Court will hear oral argument from counsel on the question remanded by Chief Judge Whitney, and on the proper application of the independent source doctrine to the resolution of that question. The hearing is intended for oral argument only, and no additional evidence will be taken.

IT IS, THEREFORE, ORDERED that this matter shall be placed on for a hearing for the stated purpose before the undersigned at **2:00 pm on Wednesday, December 9, 2015**, in Courtroom 1-3.

Signed: November 30, 2015



David C. Keesler
United States Magistrate Judge
